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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,937	01/26/2004	. George R. Kaplan	LKI 205.4	9317
10037 MILDE & HO	7590 03/26/2007. FFBERG, LLP	•	EXAM	INER
10 BANK STR	•	,	EVANS, GE	OFFREY S
SUITE 460 WHITE PLAIN	NS, NY 10606		ART UNIT	PAPER NUMBER
		•	1725	
			MAIL DATE	DELIVERY MODE
		•	03/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

	10/764,93
Before the Filing of an Appeal Brief	Examine

Application No.	Applicant(s)	_ !
10/764,937	KAPLAN ET AL.	
Examiner	Art Unit	:
Geoffrey S. Evans	1725	

Geoffrey S. Evans THE REPLY FILED 14 March 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. THE REPLY FILED 14 March 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must limely file one of the following replies: (1) an amendment, affadivit, or other evidence, which places the application in condition for allowance. (2) a Notice of Appeal with appeal feel in compliance with 37 CFR 41.31; or (2) an application of the condition of allowance. (2) a Notice of Appeal with appeal feel in compliance with 37 CFR 41.31; or (3) an expense for Continued Examination (RCE) in compliance with 37 CFR 1.14. The reply must be filed within one of the following the reply replies ≥ (2) ments from the maling date of the first rejection. The period for reply replies ≥ (2) the maling date of this first rejection. Exeminer Note: If box is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS Of THE FIRAL REJECTIONS. See WFEP 708.07(2). Eleterations of time may be obtained under 37 CFR 1.136(a). The date on which the patition under 37 CFR 1.136(a) and the appropriate extension fee under 37 CFR 1.174(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action, or (2) as set for the own of the final rejection, were if finely filed, may reduce any expension of the final rejection of the final rejection of the final rejection (a) the patient of the final rejection (a) the patient of the final rejection filed within two months of filed githen Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). A prior the value of the patient of the final rejection, but prior to the date of filing a brief, will go! be entered because (a) They raise new issues that would require furt	Advisory Action	10/704,937	MAPLAN ET AL.				
-The MAILING DATE of this communication appears on the cover sheet with the correspondence address — THE REPLY FILED 14 March 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. 1. The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 4.131; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: a) The period for reply expires a monits from the mailing date of the final rejection. b) The period for reply expires a (1) the mailing date of the final rejection. Examine Note: if the other checked, check either box (a) or (b) AUX CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MFEP 706.07(b). Extensions of time may be obtained under 37 CFR 1.136(e). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee under 27 CFR 1.136(e). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee under 57 CFR 1.137(a). The date of purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under the soften state than the propriate period from the fee. The appropriate extension fee under the soften state than the corresponding amount of the fee. The appropriate extension fee under a contract the contract and the corresponding amount of the fee. The appropriate extension fee under a contract and the corresponding amount of the fee. The appropriate extension fee under a contract and the corresponding amount of the fee. The appropriate extension fee under a contract and appropriate and the corresponding amount of the fee. The appropriate activatio	Before the Filing of an Appeal Brief	Examiner	Art Unit				
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event, howew, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examine Note: If box 1 is checked, check either box (p) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 708.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed and the period of the peri	1. The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:						
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of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(a)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS 3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below); (b)☐ They raise the issue of new matter (see NOTE below); (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues fo appeal; and/or (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims. NOTE: (See 37 CFR 1.116 and 41.33(a)). 4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). 5. ☐ Applicant's reply has overcome the following rejection(s): 4. ☐ Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). 7. ☑ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☑ will be entered and an explanation on how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) objected: 126.149,151-166,168-172.174-176 and 202-204. Claim(s) rejected: 126.149,151-166,168-172.174-176 and 202-204. Claim(s) rejected: 126.149,151-166,168-172.174-176 and 202-204. Claim(s) withdrawn from consideration: AFFIDAVIT OR OTHER EVIDENCE 8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons w	MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below); (b) ☐ They raise the issues of new matter (see NOTE below); (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues fo appeal; and/or (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims. NOTE: ☐ (See 37 CFR 1.116 and 41.33(a)). 4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). 5. ☐ Applicant's reply has overcome the following rejection(s): ☐ (Newly proposed or amended claim(s) ☐ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). 7. ☑ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☑ will be entered and an explanation on how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: ☐ (Claim(s) allowed: ☐ (Claim(s) objected to: ☐ (Claim(s) objected: 126-149,151-186,188-172,174-176 and 202-204. Claim(s) rejected: 126-149,151-186,188	2. The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).						
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Art Unit 1725		. (PTO/SB/08) Paper No(s). <u>20070</u> <i>。</i>	Seoffey Sevans	Crans			

U.S. Patent and Trademark Office PTOL-303 (Rev. 08-06)

Continuation of 13. Other: The amendment of "optically mapping" is obvious over mapping. The other types of mapping in the REMARKS are merely art recognized equivalent methods of mapping a workpiece. It should be noted that in Kerner 2002/0030039 the only method disclosed of mapping was with an optical system. The information disclosure statement (IDS) of 3/14/2007 was submittled after a final rejection but did not have the 37 CFR 1.97(e) statement and the 1.17(p) fee. Accordingly the IDS was not considered.

Healfrey & Evans Primary Examiner At Unit 1725